

**Remarks**

**Status of the Subject Application**

Claims 8-18 remain pending. Those claims were elected in response to a restriction requirement. In the restriction requirement, claims 20-57 were not elected and have thus been withdrawn from consideration.

Claim 8 was objected to by the Examiner for informality under 35 U.S.C. §101 as not clearly defining its subject matter as statutory.

Claims 8-18 were rejected by the Examiner under 35 U.S.C. §112, second paragraph, as being indefinite.

Claims 8-18 were also rejected by the Examiner under 35 U.S.C. §103(a) as being unpatentable over United States Patent 6,044,354 to Asplen, Jr. (hereinafter "Asplen") in view of United States Patent 6,557,013 to Ziff et al. (hereinafter "Ziff").

Claims 8-18 were provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-16 of copending Application No. 09/687,510.

**In the Claims**

Claim 8 has been amended herein to clarify its subject matter.

**Objection under §101**

Claim 8 was objected to by the Examiner for informality under 35 U.S.C. §101. The Examiner advised Applicants to clearly point out that the modules of claim 8 comprise computer hardware components because if the modules were software per se, the claim would direct to non-statutory subject matter under 35 U.S.C. §101.

Applicants have amended claim 8 to clarify that its system includes "software to be run on a computer," the software comprising the modules cited in the claim body. This amendment is supported in the Subject Application at, for example, page 14, lines 5-33 and Figure 3, and generally throughout the Subject Application. Applicants submit that the amendment clarifies that the modules are

run on a computer. Applicants submit that claim 8 is now clearly directed to statutory subject matter under 35 U.S.C. §101.

**Rejection under §112 ¶2**

Claims 8-18 were rejected by the Examiner under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicant regards as the invention.

Regarding claim 8, the Examiner stated that it was not clear how the phrase “exploitation of intellectual property” is related to the innovator various types of modules. Applicants respectfully submit that the exploitation of intellectual property is related to the subject matter of claim 8 and is discussed in the Subject Application. But for expediency and to ensure clarity, Applicants have amended claim 8 to remove that phrase. Applicants respectfully submit that amended claim 8 complies with 35 U.S.C. §112, second paragraph.

Regarding claims 9-18, the Examiner stated that they were rejected for incorporating the error of their respective base claim 8 by dependency. Because amended claim 8 complies with 35 U.S.C. §112, second paragraph as discussed above, Applicants submit that depended claims 9-18 thus also comply with 35 U.S.C. §112, second paragraph.

**Rejection under §103(a)**

Claims 8-18 were rejected by the Examiner under 35 U.S.C. §103(a) as being unpatentable over United States Patent 6,044,354 to Asplen, Jr. (hereinafter “Asplen”) in view of United States Patent 6,557,013 to Ziff et al. (hereinafter “Ziff”).

On page 3 of the Office Action, Examiner states that Asplen discloses, at column 2, line 59 through column 3, line 27 and Figure 1A, a match module, the “match module to match the innovation and the innovator with a developer.” Applicants respectfully submit, however, that Asplen neither discloses nor suggests a system or method that includes such a match module or other software that matches an innovation and innovator with a developer.

Instead, the portion of Asplen cited at column 2, line 59 through column 3, line 27 and Figure 1A discloses a system administrator or other responsible individual assigning a new idea submission to an evaluator, who qualitatively evaluates the new idea submission according to predetermined criteria. For example, within the above Examiner-cited portion of Asplen, Asplen states that “[a] system administrator, for example, or other responsible individual, assigns new idea submissions to someone as evaluator for initial screening, typically someone who has responsibility for the area to which the idea pertains.” See Asplen at column 2, line 64 to column 3, line 1.” Asplen also states “[u]pon selection of a new idea for screening, the idea is evaluated qualitatively according to predetermined criteria.” See *id.* at column 3, lines 10-11.

Thus, Applicants respectfully submit that the above Examiner-cited portion of Asplen (as well as the rest of Asplen and Ziff) does not disclose or suggest software that matches an innovation and innovator with a developer. For at least this reason, Applicants respectfully submit that amended claim 8 is patentable over Asplen and Ziff, alone or in combination, because Asplen and Ziff do not teach or suggest all of the limitations of claim 8.

Furthermore, Applicants respectfully submit that claims 9-18 are also patentable because they depend from patentable claim 8.

#### **Double Patenting Rejection**

Claims 8-18 were provisionally rejected based upon the judicially created doctrine of double patenting as being unpatentable over claims 1-16 of copending Application 09/687,510. Applicants respectfully note that claims 1-11 of the 09/687,510 Application have been canceled, as noted on page 12 of the March 1, 2006 “Amendment and Response to the Office Action under §1.111” submitted by Applicants for the Subject Application.

Because claims 12-16 of the 09/687,510 Application are pending and have thus not issued in a patent, Applicants do not submit a terminal disclaimer at this time.

**Conclusion**

Applicants respectfully submit that claims 8-18 are in condition for allowance. Applicants also submit that no new matter has been introduced in the claims presented herein. Accordingly, passage to allowance of claims 8-18 at an early date is earnestly solicited.

If the Examiner is of the opinion that the Subject Application is in condition for disposition other than allowance, the Examiner is respectfully requested to contact Applicants' Attorney at the telephone number listed below so that any concerns may be expeditiously addressed.

Respectfully Submitted

A handwritten signature in black ink, appearing to read "Richard W. James", written over a horizontal line.

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